

Proposed Ordinance
By Colvin Roy

Amending Title 3 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection by adding a new Chapter 56 entitled "Prohibited discharges to sanitary or combined sewer".

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 56 to read as follows:

CHAPTER 56. PROHIBITED DISCHARGES TO SANITARY OR COMBINED SEWER

56.10. Purpose. The City of Minneapolis has been pursuing an aggressive campaign of separating its sanitary sewer system from its stormwater drainage system to reduce the number of Combined Sewer Overflows (CSO). However, some rainleaders and other components, which handle stormwater, are still connected to the sanitary sewer system. During rain events, infiltration and inflow from buildings and parking lots with rainleaders and area drains connected to the sanitary sewer system, cause its capacity to be exceeded resulting in overflows to adjacent storm drains. This overflow ends up discharging sewage and stormwater into the Mississippi River. Rooftop drains (rainleaders) that are connected to the sanitary sewer are one of the major causes of combined sewer overflows. Residential and commercial buildings, usually built before 1961, sometimes have pipes that lead underground directly into the sanitary sewer, rather than through gutters to lawns or the stormwater drainage system. To protect the environment and prevent these overflows as well as preventing the possibility of sewage backing up into homes and businesses, rainleaders and other connections which deliver stormwater into the sanitary system rather than the stormwater drainage system or to pervious surfaces need to be disconnected. state and federal environmental mandates require us to work to eliminate combined sewer overflows. The city and Metropolitan Council have conducted studies that determined the main contributor to these overflows is rainleader connections. The purpose of this ordinance is to define regulations that will aid the city in limiting inflow of rainwater to the sanitary sewer system. The ordinance will help to minimize the overflow problem resulting from the lack of capacity of the sanitary system to handle large amounts of rainwater. Rainwater runoff will be more appropriately handled through natural filtration and/or the stormwater drainage system. The net result will be a cleaner Mississippi River and a more efficient waste treatment system.

56.20. Definitions.

Area drain is a receptacle designed to collect and convey surface or storm water to the drainage system.

Clearwater is any surface flow, runoff, and drainage that does not contain any hazardous substance or sewage. This includes but is not limited to NPDES permitted discharges, stormwater and water from foundation and footing drains and basement sump pumps.

Combined sewer is a sewer that must handle flow of both sanitary wastewater and stormwater in a single pipeline.

Combined Sewer Overflow (CSO) occurs when excessive amounts of rainfall enter a sanitary sewer system. The result is a volume of rainwater and sanitary wastewater, which exceeds the system's capacity. Combined rainwater and sewage is forced to overflow into area streams and rivers through outfalls.

Hazardous substances are material which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Owner, for the purposes of this chapter, shall mean the person who is listed as the contact person on the current rental licensing application on file with the city, if any, or if none, the person listed as owner by the city assessor on the homestead record, or if none, the taxpayer as shown by the records of the city assessor.

Rainleader, for the purposes of this chapter, shall be defined as any conduit that conveys storm water from a rooftop to a point of discharge.

Runoff is precipitation and other surface drainage that is not infiltrated into or otherwise retained by the soil, concrete, asphalt, or other surface upon which it falls.

Sewage means the water carried waste from residences, buildings, institutions or any mobile source, including the excrementitious or other discharge from bodies of human beings or animals, together with such ground water infiltration and surface water as may be present.

Sewer system means pipelines, pumping stations, force mains, and all other constructions, devices, and appliances appurtenant thereto, used for conveying sewage or industrial waste or other wastes to a point of ultimate disposal.

Stormwater is any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation.

56.30. Compliance with other codes and laws. Compliance with the provisions of this chapter does not release a person from any responsibility to comply with any other law or regulation, whether federal, state, or local.

56.40. Conflict. (a) *Conflict.* In the event that the provisions of this chapter shall conflict with any Minnesota statute or any federal statute, the Minnesota statute or federal statute shall govern to the extent of any direct conflict.

(b) *Conflict in orders.* In the event of a conflict between an order of the city and a valid order of a federal or state agency, the order of the federal or state agency shall govern to the extent of the conflict.

(c) *Conflict in permitted activity.* In the event that any conduct prohibited by this chapter is affirmatively and specifically authorized by a valid permit issued by a duly authorized official of the State of Minnesota or a duly authorized official of the United States of America, then the affirmative and specific authority granted in such permit shall govern to the extent of any direct conflict with this chapter.

56.50. Violations. (a) Any person who violates any provision of this chapter shall be guilty of an ordinance violation and subject to the punishment and penalties of section 1.30(a) and 1.40 of this Code of Ordinances.

(b) *License revocation.* Any owner of land, buildings, or structures who possesses a city license to conduct business, in addition to the fine, may have his or her license revoked for failure to comply with this chapter.

56.60. Authority to administer. The authority to administer and enforce the provisions of this chapter of the Minneapolis Code of Ordinances on behalf of the city is vested in the Minneapolis Watershed Management Authority located in the environmental management section of the department of operations and regulatory services. The Minneapolis Watershed Management Authority, hereafter referred to as the "Authority," shall have full authority to administer this chapter in addition to all authority given to it pursuant to section 48.70 and other sections of this Code.

56.70. Prohibited connections. No rainwater pipes, rainleaders, area drains or other connections used for conveying stormwater and clearwater, from any building grounds or premises shall be connected with any sewer, sewer pipe, or sewer connection in any sewer district in which the sewers are provided for disposal of sewage alone and otherwise known and designated as a separate or combined sanitary sewer except as noted in section 56.160.

56.80. Previously allowed connections. Rainwater pipes, rainleaders, area drains and other connections for stormwater and clearwater from all buildings and premises which were directly or indirectly connected to the combined or sanitary sewer system that were connected to the system prior to 1961, which were legally connected to a combined sewer, or which were connected later by city permission shall be disconnected from the combined or sanitary sewer system.

56.90. Downspout placement. Except as provided herein, all rainleader downspouts shall be placed so that drainage is to the back and/or to the front of the property. Downspouts shall be allowed in the existing side yards where adjacent structures are separated by more than ten feet and where the downspout discharge point is no closer than ten feet from an adjoining structure. The owner is responsible for the arranging drainage in a manner that complies with the law. Rainwater from downspouts shall be drained so as not to cause flooding of or dampness in walls, ceilings or floors in any portion of the building or in any adjacent building or structure.

56.100. Rainleader disconnection permit requirement. No person shall perform a disconnection of any rainwater pipe, leader, or other connection from the public combined or sanitary sewer without first having obtained a rainleader disconnection permit from the authority.

56.110. Permit fee. The fee for obtaining a permit shall be waived for permits acquired prior to January 1, 2007. On or after January 1, 2007, the permit fees shall be as follows:

- (1) Fifty dollars (\$50.00) for single-family and two-family residences.
- (2) One hundred dollars (\$100.00) for all other structures, buildings, property and/or rainleader disconnection work occurring on the premises.

56.120. Requests for inspection. The contractor or permit holder shall file a request for inspection with the authority before any work of the contractor or permit holder is covered up or concealed and shall file this request within forty-eight (48) hours after the completion of any work done by said contractor or permit holder.

56.130. Manner of disconnection. The disconnection shall be accomplished by a complete and permanent method and performed in a workman like manner. Any disconnection, plugging, capping, rerouting, altering, or modifying must be done in accordance with all applicable state rules and Minneapolis ordinances.

56.140. Reconnection prohibited. Any subsequent reconnection of rainwater pipes, leaders, or other clearwater connections from any building, grounds, or premises to any public combined or sanitary sewer is prohibited.

56.150. Official notification. (a) *Compliance.* The owner shall not be prohibited from performing work prior to obtaining a notification of noncompliance from the authority.

(b) *Notification.* For all properties identified as having a prohibited connection, as identified in section 56.70 of this Code, the authority shall provide written notification to the owner indicating non-compliant status. As indicated in the official notification the property owner must respond to the non-compliant status by disconnection or requesting a time extension to the requirement of disconnection by the noted due date.

(c) *Failure to respond.* Failure to respond to the official notification shall subject the property owner to penalties as provided by sections 56.50, 1.30(a), and 1.40 of this Code.

56.160. Exceptions to the Code. (a) *Request for a time extension.* A one (1) year time extension for compliance by the owner must be submitted on a form provided by the authority with payment of a twenty-five dollar (\$25.00) filing fee to cover review, administration and handling costs.

(b) *Time extension denial.* A request for a time extension may be denied if an approved capital project(s) for the public good have been scheduled within the one year. Such projects include but is not limited to: Sidewalk, including condemned sidewalk replacement, curb, gutter, street pavement, utility, street lighting system, traffic signal system, and streetscape.

(c) *Time extension approval.* The only exceptions to mandatory disconnection will be in those cases in which the facts presented to the authority and city engineer demonstrate to the reasonable satisfaction and professional judgement of the authority and city engineer that disconnection would not be safe, prudent, or feasible. For example, a disconnection that when performed would pose an increased risk to public health, or a disconnection that when performed would contribute to localized flooding would not be safe, prudent, or feasible.

(c) *Conditions of a time extension granted.* Issuance of a time extension means that the authority does not require disconnection at this time. The authority and the city engineer reserve the to minimize the continued inflow, prohibit expansion of the inflow and other reasonable conditions based upon the case facts. The time extension may be reopened to require additional work if previously undisclosed or unknown information or changing regulatory requirements makes additional work necessary.

As a condition of the time extension, the owner must at that time pay for the yearly sewage treatment costs of the stormwater.

The fee for buildings or premises shall be determined by the following formula: The current sewer utility rate multiplied by the square footage of the roof area and/or ground area contributing rainwater to the public sanitary or combined sewer system multiplied by the average annual rainfall in the Minneapolis/St. Paul area from 1990 to 2000 as determined by the National Weather Service (26 inches, 2.17 feet).

Sample Calculation: Current Sewer Rate in 2002 - \$3.16 Average Rainfall - 2.17 ft

$$\left(\frac{\$3.16}{100 \text{ ft}^3} \right) (2000 \text{ ft}^2) (2.17 \text{ ft}) = \$137.14$$

(d) *Time extension renewal.* Prior to the expiration of an existing time extension, the owner may request an extension on a form provided by the authority pursuant to section 56.160(a).

(e) *Time extension disapproved.* If a time extension to disconnection is not approved, or is approved upon conditions that the applicant finds objectionable, the applicant may appeal

pursuant to the procedures provided in sections 87.300 to 87.330 of this Code or their successor provisions. If the time extension is denied, or approved on conditions the applicant finds unacceptable, the obligation to disconnect or comply with the conditions of the time extension shall be stayed pending the specified appeal period and during the pendency of any appeal of the decision pursuant to sections 87.300 to 87.330 of this Code or their successor provisions. If there is no appeal or following the conclusion of the appeal procedures, the property owner shall disconnect or alternatively comply with any time extension granted on the conditions specified. Any failure to meet these obligations shall subject the property owner to penalties as provided by sections 56.50, 1.30(a), and 1.40 of this Code.

56.170. Disclaimer. The city in no way guarantees or implies that areas will be free from flooding or flood damages. The city does not assume a specific duty as to individual property owners to enforce this ordinance, but is enacting this ordinance as a general regulation. This ordinance is not intended for reliance by individual property owners. This chapter shall not create liability on the part of the city or its officers or employees for any flood damage that may result from the failure to comply with any portion of this chapter or any administrative decisions made pursuant thereto, whatever the cause.